


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

AARON FORD,

Plaintiff,

v.

SOUTHWEST HOUSING
COMPLIANCE CORPORATION

Defendant.

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C.A. NO. **A08CA 393SS**

COMPLAINT

I. INTRODUCTION

1. Plaintiff, AARON FORD, was an employee of Defendant, SOUTHWEST HOUSING COMPLIANCE CORPORATION, a Texas Corporation, and brings this action for overtime compensation and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. §216(b).

II. PARTIES

2. Plaintiff, Aaron Ford, is an individual residing in Travis County, Texas.

3. Defendant, Southwest Housing Compliance Corporation, is an entity whose principal place of business is in Travis County, Texas, and that may be served through its registered agent, James L. Hargrove, Southwest Housing Compliance Corp., 1124 South I.H. 35, Austin, Texas 78704.

III. JURISDICTION AND VENUE

4. Jurisdiction is conferred on this Court by Title 28 U.S.C. §1337 and by Title 29 U.S.C. §216(b). At all time pertinent to this Complaint, Defendant Southwest Housing Compliance Corporation, was an enterprise engaged in interstate commerce. At all times pertinent to this

Complaint, Defendant regularly owned and operated businesses engaged in commerce or in the production of goods for commerce as defined by §3(r) and 3(s) of the Act, 29 U.S.C. §203(r) and 203(s). Additionally, Plaintiff was individually engaged in commerce and his work was essential to Defendant's business. Venue is proper in this district under 28 U.S.C. § 1391.

IV. STATEMENT OF FACTS

5. The Plaintiff, Aaron Ford, began working for Southwest Housing Compliance Corporation in January 2006. Mr. Ford worked for Southwest Housing Compliance Corporation until his termination in April 2007.

6. Mr. Ford's position with Southwest Housing Compliance Corporation during the period relevant to this case was Occupancy Specialist. Mr. Ford was paid on an salary basis, at a rate of approximately \$39,993 per year base salary, plus bonuses and other compensation.

7. The work Mr. Ford performed while employed by Southwest Housing Compliance Corporation did not fall within any of the exemptions to the Fair Labor Standards Act's exemptions from overtime pay. Southwest Housing Compliance Corporation, however, did not pay Mr. Ford the time plus one-half wage required by the FLSA for hours he worked in excess of forty (40) hours per week.

V. CAUSES OF ACTION

COUNT ONE - FAILURE TO PAY OVERTIME PAY IN VIOLATION OF THE FAIR LABOR STANDARDS ACT

8. The acts described in the preceding paragraphs violate the Fair Labor Standards Act, which prohibits the denial of overtime compensation for hours worked in excess of forty (40) per workweek. The violations committed by Defendant were committed willfully.

VI. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the Court:

1. Assume jurisdiction of this cause and that Defendant be cited to appear;
2. Declare that Defendant has violated the Fair Labor Standards Act, 29 U.S.C. §207, by failing to pay Plaintiff overtime pay at one and one half times his regular hourly rate for all hours in excess of 40 worked during each seven day work period.
3. Award damages to Plaintiff pursuant to Section 216(b) of the FLSA, including but not limited to unpaid overtime and liquidated damages;
4. Award reasonable and necessary attorneys' and expert fees and costs;
5. Award Plaintiff pre- and post-judgment interest at the highest rates allowed. Plaintiff further prays for any such other relief as the Court may find proper, whether at law or in equity.

VII. JURY DEMAND

Plaintiff hereby demands a trial by jury of all the issues and facts in this case.

Respectfully submitted,

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